IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.5110 of 2007 (O&M)
Date of decision: 23rd October, 2008

Mahesh Chander @ Maheshu

… Petitioner

Versus

Yogeshwar Lal Mehta (Retd.)

… Respondent

CORAM: HON'BLE MR. JUSTICE KANWALJIT SINGH AHLUWALIA

Present: Mr. Abhishek Bhasker, Advocate for the petitioner.
Mr. Kuldip Sanwal, Advocate for the respondent.

KANWALJIT SINGH AHLUWALIA, J. (ORAL)

Petitioner was a tenant in a shop owned by the respondent. Eviction of the petitioner was ordered, against which he preferred Civil Revision No. 912 of 2006. It was ordered therein that dispossession is stayed subject to deposit of arrears of rent within two weeks from the passing of the order. The order was passed on 3rd April, 2007. Petitioner was supposed to deposit the entire arrears of rent by 17th April, 2007. Petitioner filed application on 2nd June, 2007 to deposit the rent. That application was filed after a delay of 1 ½ months. Vide Annexure P-1, in execution proceedings, the Court rightly declined the prayer of the petitioner to deposit the rent as the same was not in consonance with the orders passed by this Court in Civil Revision No. 912 of 2006.

No application was filed by the petitioner in Civil Revision No.912 of 2006 to seek extension of time.

It is admitted stand of the parties that petitioner has been dispossessed from his shop. An application has also been filed under

Section 144 CPC to restore the possession. The conduct of the petitioner is such that he is not entitled to discretionary relief by this Court as he has not complied with the order dated 3rd April, 2007 and had not deposited the arrears of rent as specified by this Court.

There is no merit in the present revision petition and the same is dismissed.

[KANWALJIT SINGH AHLUWALIA]
JUDGE

October 23, 2008.
rps